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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,150	01/08/2001	Yuzhong Shen	Q62421	4416

7590 11/02/2004

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,150

Applicant(s)

SHEN ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objection

2. Claims 1, 5, 7, 9-15, 19-24 are objected to because of the British spelling "centre" instead of the American spelling "center". Please change "centre" to --center-- in the above-mentioned claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-10 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al. (U.S. Patent 5,805,587) cited by Applicant.

Regarding claim 1, Norris et al. teach a process for handling incoming telephone calls for a subscriber line of a telecommunications network while an online data network session is blocking the subscriber line (col. 5, lines 48-52), wherein a terminal (Fig. 1, DT1) sets up a connection to an access device (Fig. 1, 300) sends current access data to the terminal the process comprising the steps of: the terminal signaling the current access data to a service computer (Processor 205 in Internet Access Service - IAS 200) of the telecommunications network (col. 2, lines 15-19); and the service computer supplying at least one predetermined service for the purpose of processing the incoming call (Processor 205 in IAS 200 forms an alerting message containing call answering options, i.e. connect to voice mail - col. 6, lines 29-36); a processor 205 forms an alerting message containing a "canned" announcement indicating to alert the subscriber to the waiting call (col. 6, lines 29-50):

(a) that a call is waiting,

(b) telephone number of the waiting call,

(c) call answering options, i.e., connect to voice mail, terminate call, or connect call.

Norris et al. do not specifically teach that an incoming call destined for the subscriber line is waiting at the switching center.

It would have been obvious that since the subscriber has call waiting feature on his or her line, therefore, while the subscriber is busy surfing the Internet, a caller places a call to the subscriber's line, then the caller must wait either at switching center CO 50 or a switching center that comprises public switched network 100 and Internet access service 200 while processor 205 alerting the subscriber to the waiting call. In Norris's system, the caller is waiting at Internet access service 200 that is part of the switching center that comprises public switched network 100 and Internet access service 200.

Regarding claim 2, Norris et al. teach the service computer sends a message to the terminal in which attention is drawn to the incoming call (col. 6, lines 34-50).

Regarding claim 3, Norris et al. teach the service computer forwards the incoming call to an alternative destination (col. 6, lines 29-36). For example, connect to voice mail.

Regarding claim 4, Norris et al. teach the service computer forwards the incoming call to the terminal via the online data network (col. 1, lines 41-44 and col. 6, line 35 - "connect call").

Regarding claim 5, Norris et al. teach the switching center and the terminal ("the platform") interrupts the online data network session blocking the subscriber line and notifies the incoming call on the subscriber line (see Abstract, lines 6-11).

Regarding claim 6, Norris et al. teach the service computer sends a selection menu to the terminal, the terminal ascertains a selection that has been made by the subscriber (col. 8, lines 29-32), the terminal sends the selection to the service computer

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(col. 8, lines 39-41), the service computer supplies the follow up service (col. 8, lines 6-48).

Claim 7 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 8, Norris et al. teach the switching center signals to the service computer a clear down of the connection blocking the subscriber line of the terminal to the access device of the online data network via the subscriber line (col. 8, lines 6-14).

Regarding claim 9, Norris et al. teach when a call comes in, the switching center signals the service computer the fact that an incoming call destined for the subscriber is waiting (col. 1, lines 40-46).

Regarding claim 10, Norris et al. teach the service computer (Fig. 3 - Internet Access Server) comprises: a receiver for receiving access data sent from the terminal to the online data network via the subscriber line (Fig. 3, 150-11), and further configured such that the service computer can receive a message from a switching center of the telecommunications network in which the switching center signals to the service computer an incoming call destined for the subscriber line (col. 3, line 16 through col. 4, line 50); a memory (Fig. 3, 205); a service supply configured in such a way that the service computer can supply at least one predetermined service (Fig. 3, voice mail server 165). However, Norris et al. do not explicitly describe specific functions of each component in the service computer. It would have been obvious to one of ordinary skill in the art at the time the invention was made that a standard component in any

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computer or service computer would serve the same standard function. For example, a memory is used to store data.

Regarding claims 12 and 13, Norris et al. teach a terminal (DT1 - i.e. a personal computer having multimedia and telephony capability col. 2, lines 13-15) for handling incoming telephone calls for a subscriber line while an online data network session of the terminal is blocking the subscriber line comprises: a receiver configured in such a way that the terminal can receive current access data from an access device (Fig. 1, 300) of an online data network which the access device sends to the terminal in the course of setting up a connection to the online data network via the subscriber line (col. 2, lines 41-45), the service computer sends access data to the terminal (col. 2, lines 65-66 and col. 3, lines 14-16; and a transmitter configured in such a way that the terminal can send the current access data to a service computer (col. 3, lines 10-16); an execution apparatus configured in such a way that the terminal can execute the instructions (col. 3, line 14 - "software loaded in terminal DT1").

Claims 14 and 15 are rejected for the same reasons as discussed above with respect to claims 12 and 13, respectively. Furthermore, Norris et al. teach the program module containing program code (col. 2, lines 65-66 and col. 3, line 14 - "software loaded in terminal DT1").

Regarding claims 16 and 17, a memory storing a program module is inherent in the terminal DT1. For example, a CPU or memory for storing a program module resides in a personal computer having multimedia and telephony capability.

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5. Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al. (U.S. Patent 5,805,587) in view Bedingfield et al. (U.S. Patent 6,757,274).

Regarding claims 18-24, Norris et al. do not teach the switching center signals the service computer that the incoming call destined for the subscriber line is waiting without forwarding the incoming call to the service computer.

Bedingfield et al. teach the AIN SCP sends a message notifying the ICN software that an incoming call destined for the subscriber line is waiting (col. 5, line 51 through col. 6, line 24).

It would have been obvious that the caller of an incoming call destined for the subscriber line who has call waiting feature is busy surfing the Internet must wait either at the service computer or at the switching center while the subscriber decides what to do with the call. The latter one is the prefer one in the instant application.

Claim Rejections - 35 USC § 102

6. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by over Norris et al. (U.S. Patent 5,805,587).

Regarding claim 11, Norris et al. teach a switching center (Fig. 1, CO25, CO50, Public Switched network 100 and Internet Access Service 200) for handling incoming telephone calls for a subscriber line of a telecommunications network while an online data network session is blocking the subscriber line (col. 5, lines 48-52), wherein a terminal (Fig. 1, DT1) sets up a connection to an access device (Fig. 1, 300) sends current access data to the terminal the process comprising the steps of: receiving and holding an incoming call destined to the subscriber line (col. 5, lines 4-52 and holding

the incoming call at IAS 200); recognizing that the terminal has set up a connection blocking the subscriber line (col. 5, lines 48 and 53-54); a transmitter configured in such a way that the switching center send a message to a service computer if an incoming call destined for the subscriber line is blocked by an online data network session (col. 8, lines 6-48).

Response to Arguments

7. Applicant's arguments with respect to claims 1-10 and 12-24 have been considered but are moot in view of the new ground(s) of rejection, and Applicant's arguments with respect to claim 11 have been fully considered but they are not persuasive.

Applicant's arguments are addressed in the above claims rejection. Furthermore, Applicant argues that Norris does not teach a switching center, terminals, and program modules. Examiner respectfully disagrees. Norris et al. teach (Fig. 1) that a switching center CO 25, CO 50, and switching center that comprises public switched network 100 and Internet access 200, terminal DT1, an program modules (software in terminal DT1).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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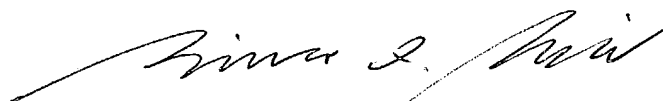
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn



BING Q. BUI
PRIMARY EXAMINER